C. S. Lefev

1794

THOUGHTS

ON THE

THEORY AND PRACTICE

OF THE

FRENCH CONSTITUTION.

BRITISH MUSEUM

THOUGHTS

ON THE

THEORY AND PRACTICE

OF THE

FRENCH CONSTITUTION.

IN

FOUR LETTERS.

" Whether the plotting jeſuit form'd the plan
" Of murd'ring kings, or the French puritan:
" Our ſacrilegious ſects their guides outgo,
" And kings and kingly pow'r would murder too."

DRYDEN.

London

PRINTED FOR R. BLAMIRE, N°. 5, STRAND.

1794.

44.
3 29
176

ON THE

THEORY and PRACTICE

OF THE

FRENCH CONSTITUTION.

" Whether the plotting jeſuit form'd the plan
" Of murd'ring kings, or the French puritan:
" Our ſacrilegious ſects their guides outgo,
" And kings and kingly pow'r would murder too."

DRYDEN.

LETTER I.

IT has been allowed by all friends of civil liberty, that government was deſigned for the benefit of the people: from this opinion, thus generally received, ſome perſons have ſuppoſed that the people have a right to regulate and change their government as often as they may think neceſſary; that the voice of the people ought therefore to be at all times ſupreme; and that in the words of a celebrated writer, they may caſhier kings, and conſequently legiſlatures, as well as all civil magiſtrates,

whenever they think fit ſo to do. Many of the new philoſophers however, in their zeal for innovation, forget two poſitions of their favourite apoſtle Rouſſeau: the firſt, that government ought to be for the advantage, but ſhould not be exerciſed by the people; the other is in his ſocial contract, where though he ſeems fully impreſſed with the advantages of his viſionary ſcheme, he ſays he ſhould think badly of it if a ſingle drop of blood was to be ſpilt in it's ſupport. How far Rouſſeau will be conſidered as good authority by thoſe who entertain old-faſhioned notions in favour of order and ſubordination, is not the queſtion: but his authority muſt be conſidered as deciſive by ſuch as ſupport his doctrines, and particularly by thoſe who have lately received this apoſtle of deiſm and profligacy into their new pantheon. Rouſſeau, with all his faults, was certainly of a mild and gentle diſpoſition; and perhaps there is not a greater paradox amongſt the many which we muſt obſerve in the progreſs of the French revolution, than that a man of ſuch a character ſhould be ſo highly honoured by the moſt ferocious ſavages that ever diſgraced humanity. Almoſt every ſtep that has been taken in the French revolution ſeems to have been precondemned by the author of the ſocial contract; and Rouſſeau's ſcheme of government ſeems to have nothing in common with that of the French republic, but it's impracticability. So much has been ſaid both in theſe days, and in times more remote, reſpecting the right of the governed

verned to reſiſt their governors, that it is unneceſſary to ſay much here upon that ſubject: it ſeems however to be acknowledged by the moſt conſtitutional writers, that in caſe of an *evident* and *clear* neceſſity, the people have a right to new model and change their government. Thoſe authors who have been moſt favourable to liberty in this country, contend that there is an implied contract between the king and people; and that therefore if the king breaks it on his part, the people are abſolved from all future allegiance to him on their's. But it has been well and truly ſaid, that extreme caſes ſhould not be made our daily food: or in other words, that it is neither ſafe or decent to declare what theſe caſes are in which we may think it juſt and proper to have recourſe to violent meaſures. Nothing can be more deſtructive to the people themſelves than the circulation of this doctrine, that circumſtances may ariſe under which they are entitled to deſtroy the government of their country. If the people are once perſuaded that on certain occaſions their governors may be juſtly reſiſted, it will be difficult to convince them that they have not a right to reſiſt at all times. It is well known that the people rarely act from their own impulſe; they are frequently led by factious men, who riſe on their ſhoulders to conſequence and power, and who would animate the people to accompliſh the deſtruction of eſtabliſhed governments for the purpoſe of creating a tyranny of their own. When extreme caſes occur, violent remedies

will of courſe be reſorted to; but it is neither the part of a wiſe or of an honeſt man to ſtate preciſely what theſe caſes are. But to ſhew more effectually how dangerous are the new doctrines reſpecting the ſovereignty of the people, let us look into the new rights of man as they are deſcribed in the French conſtitution: we ſhall there ſee what thoſe rights are ſuppoſed to be; we ſhall be enabled by an examination of them to determine how far they are reconcileable to reaſon and common ſenſe; and finally, by tracing the progreſs of the French revolution, we ſhall perceive whether thoſe rights, in the whole detail of them, can exiſt in practice. It has been aſſerted that the opponents of the French ſyſtem dare not meet in fair argument thoſe who have defended the organized anarchy of France. If this charge be true, I ſhall at leaſt be allowed to ſhew ſome courage in attacking a fort, ſuppoſed to be impregnable by it's defenders. To thoſe however, who are convinced that the arguments in favour of the French revolution have been often combated with ſucceſs, and indeed completely confuted, it will be difficult to excuſe myſelf for attempting what they will conſider as an uſeleſs and preſumptuous taſk: I can only ſay thereſore what is the fact, that moſt of thoſe excellent works which have been written on this ſubject were too voluminous, and perhaps ſome of them too abſtruſe for the generality of readers. Without further preface then, the French conſtitution ſeems to be built on the following propoſition;

poſition; " The people ought only to be bound by laws to which they have themſelves conſented, and if the government attempts to enforce any other laws, they have a right to refuſe obedience to them; to reſiſt force by force, and to have recourſe to the moſt holy of duties, that of inſurrection." This propoſition is in fact extremely complex, but let us examine the component parts of it. The idea of twenty millions of people meeting together for the purpoſe of diſcuſſing every thing which concerns the ſtate, of which they are members, is even too ridiculous to be defended by the admirers of the French conſtitution. But they have found a remedy for this ſeeming difficulty: the people muſt meet by their repreſentatives. But then who is to fix the number of members to be choſen by each diſtrict? If it is to be ſettled by the people themſelves, we muſt call this grand aſſembly together, and that is allowed on all hands to be impracticable. But if the people do not meet for this purpoſe, then in the outſet will they give up an eſſential part of their rights; for it will hardly be contended that the allotting the proportion of members to each diſtrict, is an inconſiderable or trifling act of government, or that it is not liable to the groſſeſt partiality. It will not be ſaid, that the people's conſent muſt in this inſtance be implied by their acquieſcence; for this aſſertion may at once be turned againſt the advocates for the rights of man. It will legalize at once every government from the moſt rigid deſ-

potiſm

potiſm down to the wildeſt democracy; for where the people are not in a ſtate of reſiſtance, they muſt be ſaid to acquieſce in the government under which they are placed. But though we defy the *enlightened rulers* of the French nation to get over this difficulty, we will ſuppoſe ſome other power was able to do that for them, which they can never do for themſelves; we will take it for granted that a body of legiſlators, freely and indifferently choſen by the people, is aſſembled. Let us now ſee how they will proceed to buſineſs. If the conſent of the people is neceſſary to every law, previous meetings muſt have been held for the purpoſe of inſtructing the repreſentatives of the nation; at which meetings every poſſible object of legiſlation muſt have been conſidered: for if ſuch meetings have not been held, the aſſembly of new legiſlators will be obliged to ſuſpend their proceedings till they receive their orders; and the ſame ſuſpenſion muſt take place even if popular meetings have been held, and the diſcuſſion of any law propoſed in the legiſlature has been omitted. Indeed it may be aſked, if ſuch meetings are feaſible, what occaſion would there be for a legiſlature at all? For if the people could diſcuſs ſubjects of legiſlation previous to the paſſing them into laws, they could legiſlate for themſelves, and in that caſe the meeting of their repreſentatives would be idle and ridiculous. The favourers of the French revolution therefore are reduced to this hopeleſs dilemma: they muſt allow either that the people

can,

can, or cannot legiſlate for themſelves. If they can, then an aſſembly of repreſentatives would be uſeleſs and even dangerous; for in that caſe the power would be taken from the *ſovereign people*, and entruſted to a ſmall portion of the people. If it is allowed that the people cannot make laws for themſelves, then what becomes of the idea that no laws can be binding to which the people have not conſented? It has been before proved, that the pretence of the people's acquieſcence being ſufficient to give efficacy to the laws, will not ſerve the purpoſes of the friends of democracy; for the ſame acquieſcence may be pleaded by every form of government which has exiſted from the beginning of the world. But to ſhew ſtill further the utter impracticability of a government by the people, let us ſuppoſe an extreme, but poſſible caſe. We will ſuppoſe that the people north of the river Trent, had declared their determination to change the preſent conſtitution of England, for the purpoſe of eſtabliſhing a republican form of government; and that the people ſouth of Trent, were reſolved to ſupport the king and parliament againſt all oppoſers. Here would be popular opinions warring with popular opinions; and how ſhould we diſcover which party was exerciſing the moſt holy of duties, and which was in a ſtate of rebellion? Muſt we ſuſpend our deciſion on this head, till commiſſioners could be appointed to aſcertain the number of votes on each ſide? But here another difficulty occurs. Is it likely that two

parties

parties ſo eſſentially differing with each other, would agree on the appointment of perſons in whom both ſides could repoſe their confidence? or indeed, is it probable that any impartial perſons could be found, when the whole country was divided between two potent factions? There is greater reaſon to imagine that if they had arms in their hands, they would uſe them againſt each other, and that blows would decide the conteſt. I have hitherto argued on the idea, that the form of government to be adopted by the ſtate ſhould be determined on by the majority of the people; but is it quite certain, that according to the new reaſoning, this mode of deciſion ought to prevail? A nation, ſay the new philoſophers, ought to legiſlate for itſelf. But before we receive this propoſition implicitly, let us enquire what a nation is? France for inſtance is inhabited by people differing widely from each other in their cuſtoms, and manners, and ſpeaking many different languages. Some parts of France were obtained by the ſwords of their kings; ſome by ceſſion; and ſome by marriage. None of theſe does the French nation conſider as a juſt method of acquiring territory. Conqueſt the French renounce in theory, though they purſue it in practice; and they ſurely will not allow that men may be ceded together with the ground which they cultivate; or that they can be *ſold like cattle in a fair*. As therefore none of the methods by which France has acquired the moſt conſiderable additions to her dominion, are conſi-

dered

dered as legal by our modern reaſoners, we may ſurely aſk them with great propriety, under what pretence they could conſider the provinces of Lorraine, Alſace, or Brittany, as in a ſtate of rebellion, if they ſhould think proper to reject the French conſtitution, and to form a new government for themſelves. The friends of French freedom might pity the deluſion of thoſe who might prefer order, peace, and perſonal ſafety, to dancing the carmagnol round the tree of liberty; but they could have no right to puniſh men for what they muſt themſelves allow to be only an error of judgment. What! ſhall men exerciſing the moſt holy of duties, be conſidered as in a ſtate of rebellion? We have a right to ſuppoſe that thoſe who ſay they riſe againſt oppreſſion, really conſider themſelves as oppreſſed; and if they are to be puniſhed for ſo doing, how is their ſituation bettered by the new order of things? The tyrants of Europe, as they are civilly called by the national aſſembly, hang, or behead thoſe who rebel againſt them; and the new governors of France bring to the guillotine and the lamp-poſt, thoſe who dare to diſobey their mandates. The old eſtabliſhments may however ſay with truth, We confeſs we puniſh you when you rebel; but it muſt be allowed that you yourſelves know what puniſhment you will incur by rebellion. The new government of France cannot make the ſame excuſe for the ſeverities exerciſed in that country; for the republic allows in theory, a right to reſiſt in thoſe

who think themſelves oppreſſed. The French conſider inſurrection as the *moſt holy of duties*; but in practice they puniſh with the greateſt ſeverity thoſe who dare reſiſt their authority. A right of reſiſtance to a power which may itſelf declare when reſiſtance becomes lawful, would be abſurd; and yet this is the only kind of reſiſtance allowed by the national aſſembly. Thus then I think it ſeems, that the conſtitution of France is eſſentially founded in error: that the people neither legiſlate for themſelves, nor is it poſſible in the nature of things that they ſhould do ſo.

LETTER II.

LET us now examine in ſome detail, but as ſhortly as poſſible, the principles which the French ſuppoſe to grow out of the rights of man; and let us ſee how far they do, or do not allow theſe principles by their practice. In their definition of what conſtitutes civil liberty, they tell us, that the preſs ought to be free; that every perſon accuſed of a crime has a right to claim an immediate trial; that all citizens may legally obſerve any religious rites to which they are inclined; and that none can be puniſhed for any action not declared criminal by ſome known law. Theſe are a few of thoſe principles which the French have eſtabliſhed in theory, but denied by their daily practice. In the firſt place, the liberty of the preſs ought, according to the new opinions, to be allowed in it's fulleſt extent. It would be foreign to our preſent purpoſe, to enquire whether an entire and *unqualified* liberty of the preſs ought or ought not to be permitted in a well regulated and wiſe government; but the French republicans have aſſerted unequivocally, that the liberty of the preſs ought to be perfectly unreſtrained; and we have therefore a right to enquire whether they have in practice allowed it to be ſo. At the beginning of the re-

volution it is true, newſpapers were written with great freedom in oppoſition to the new order of things. At firſt indeed the national aſſembly ſeemed to feel ſome ſqueamiſhneſs reſpecting an infringement of it's own laws; but this ſoon wore off; and when it was found that the counter-revolutionary writings began to have ſome effect on the public mind, the new legiſlators thought themſelves obliged to take the ſevereſt meaſures, in order to check a liberty for which they had long contended. Soon after the maſſacre of the 10th of Auguſt, 1792, the editors of the Paris gazette and the Paris journal, were brought to the ſcaffold. The firſt of theſe papers was written profeſſedly againſt the conſtitution: but in a ſtate pretending to be free, ſurely every citizen ought to know what actions are conſidered as criminal, as well as what puniſhment is annexed to each ſpecies of crime. Apply this obſervation to the caſe of the editor of the Paris gazette. He had held the ſame language for more than two years and a half; applauded by ſome; blamed perhaps by many; but conſidered by none as deſerving of puniſhment, till the moment he was dragged to the block. If at laſt he ſuffered for a real crime, he had been allowed to perſevere in it for a long time, not only without puniſhment, but almoſt without cenſure. He had infringed no known law; but had acted under the miſtaken idea that he was protected in publiſhing his political ſentiments by the ſolemn and unqualified decree of the national

national aſſembly, in favour of the liberty of the preſs. At any rate he ought either to have ſuffered ſooner, or not at all. He is ſaid to have been puniſhed for what he publiſhed between the 22d of June and the 10th of Auguſt, 1792: but in his papers written within thoſe periods, you will find no ſentiments but ſuch as he had conſtantly avowed and defended ever ſince the revolution. The only plauſible pretence therefore for executing this man, was ſtate neceſſity; which has been truly called the law of tyrants. But the caſe of the editor of the Paris journal is ſtill more extraordinary. There were no proofs whatever, that he had written againſt the conſtitution: on the contrary, the object of his paper was to ſupport it. Whilſt the national aſſembly, the army, and a conſiderable number of the people, were making the warmeſt declarations of their love for the conſtitution, for the whole conſtitution, for nothing but the conſtitution; whilſt the members of the aſſembly declared by acclamation that they deteſted republicaniſm on one ſide, as much as unqualified royalty on the other; the editor of the Paris journal re-echoed thoſe ſentiments which he found ſanctioned by the laws, ſupported by the army, and which he had every reaſon to believe were entertained by the *ſovereign people*. So far was he then from infringing the laws, that his conſtant employment was to call for their execution. What then was his crime? The greateſt of all in *thoſe times*. He was neither a Briſſotin, or a Jacobin.

a Jacobin. He had even dared to ſpeak with horror and contempt of the *then virtuous Petion*, who had refuſed to execute the laws in defence of the king. This man therefore was puniſhed, not for infringing, but for obeying the laws; for calling on others to do their duty; and for oppoſing a party formed againſt the conſtitution; which party muſt be conſidered as in a ſtate little ſhort of rebellion, whilſt that conſtitution ſubſiſted. Let us hear no more therefore of the liberty of the preſs in France, where one man is executed for writing againſt the conſtitution, and another for writing in it's favour, within a few days of each other. Let us now ſee whether the French republicans have more reſpect for the liberty of the perſon, than for that of the preſs. We are told in the rights of man, that every freeman has a right to be tried immediately after he has been accuſed of a crime. This is borrowed from our habeas corpus act. Let us ſee then whether in practice, they have regarded the proviſions of that excellent law, which is one of the chief bulwarks of Engliſh liberty. In time of civil commotion indeed, or the apprehenſion of it, we have found it neceſſary to ſuſpend the operation of our habeas corpus act for a given time, reſpecting perſons accuſed of *ſtate crimes*. But what have the French done? They declare that every perſon accuſed of a crime ſhall be tried immediately, and almoſt in the ſame inſtant, without any *formal ſuſpenſion* of this law. The priſons

priſons of France are filled with perſons *ſuſpected* not only of *ſtate* but other crimes. Huſbands torn from their wives; wives from their huſbands; children from their parents; and fathers from their families; all heaped upon each other in noiſome dungeons, deprived of the light of the ſun, and of the ſociety of their neareſt relations: and when the meaſure of their woe was full, when they anxiouſly expected to be brought to a fair trial, they were given up to a bloody and ferocious populace; butchered after the ceremony of a mock trial; and thus delivered from all their cares for ever. We are told however, that this maſſacre was neither ordered nor approved of by the national aſſembly; and that it has been condemned by the members of that body. But have the perpetrators of it been puniſhed? So far from it, that it is well known that ſome of the moſt popular men in France, were concerned in that bloody tranſaction, which much exceeds in barbarity the infamous maſſacre of St. Bartholomew. For what can be ſo horrid as to break open priſons, and deſtroy without diſtinction of ſex or age, defenceleſs perſons, who ought to have been conſidered as under the protection of the law, and whom the government was therefore bound to defend. There was a mixture of cowardice and ferocity in this tranſaction, worthy alone of French republicans. To the national aſſembly we may with truth ſay in the words of one of our beſt poets,

"By not forbidding, you command the deed."

You

You muſt be anſwerable for that act, which it was in your power either to prevent or puniſh. You have done neither. You will be conſidered therefore, as guilty, by your God, by your country, by the preſent times, and by poſterity, of the blackeſt deed which ever ſtained the hiſtory of mankind. Let us ſee now whether in more recent periods, the French have returned to the execution of the law in favour of immediate trial. We uſed to hear a great deal at the beginning of the revolution, reſpecting the oppreſſion of the former tyrants of France, as they are called. Moſt pathetic accounts were given of the ſufferings of thoſe who were confined in the Baſtile, and in other ſtate priſons. Many of thoſe accounts were doubtleſs true; but many were greatly exaggerated. Let it always be remembered however, that moſt of thoſe victims of deſpotiſm had been concerned in ſtate intrigues; and though perhaps their actual crimes did not merit ſuch cruel puniſhments as were inflicted on them, yet if their deſigns had ſucceeded, their rivals for power, by whom they were oppreſſed, would probably have met with the ſame, or worſe treatment from them. But under this deſpotiſm, ſo much and ſo juſtly condemned, the bulk of the people did not ſuffer. Lewis the XIVth would have diſdained to impriſon in a ſtate dungeon an inconſiderable peaſant: whereas under the new government, when all men are ſaid to be equal, none are too low for oppreſſion. And perhaps this fancied

equality

equality is no where ſo compleatly realized, as in the priſons of the republic, where the prince and the peaſant are reduced to the ſame helpleſs ſituation; denounced by ſecret enemies; and languiſhing in priſon for many months without knowing what crime they are accuſed of. Even the great champion of the rights of man, the holy apoſtle of the religion of reaſon, is now confined in a dungeon, by thoſe whoſe cauſe he ſupported. Innumerable inſtances might be adduced of other perſons treated in the ſame manner. Indeed, can we ſuppoſe that any one is ſafe, when a man to whom the French republic owes ſo much, is, in violation of the public faith, thus cruelly oppreſſed? That the man himſelf deſerves whatever puniſhment can be inflicted on him, we readily agree; but he has not deſerved it from the French republic. Providence ſeems here to have interfered, and to have vindicated compleatly the ways of God to man: for if the wretch can feel at all, how bitter muſt be his reflections, when he conſiders that he has been puniſhed for his crimes by thoſe, in whoſe favour he endeavoured to introduce anarchy into his own country; and to ſpread a contempt of God, and of revealed religion, through the whole world. We ſhall be obliged to confeſs on enquiry, that the free French republic allows as little liberty to the religious tenets of men, as it does to their perſons. Thoſe religious perſons who endeavoured ſome time ſince to open churches for the Roman catholic worſhip, were firſt

 inſulted,

inſulted, afterwards impriſoned, and their churches ſhut up by order of the aſſembly. It is a known fact, that ſeveral prieſts (even many of thoſe who had taken the oath required by the conſtitution) have been obliged to abandon their native country to ſave their lives. It is alſo well known that many prieſts who truſted to the mercy of their countrymen, have been cruelly butchered in cold blood; and that many have been drowned by boat loads in the Loire and other rivers.

LETTER III.

BY the conſtitution of 1789, no perſon could be puniſhed for any action, which had not been previouſly declared criminal by ſome known law. We have already ſtated the caſes of the two editors, in which that article was infringed. It would be tedious to the reader to travel over the innumerable inſtances of the ſame kind, which might be ſtated; I will therefore confine myſelf to one, which has excited the horror of all the civilized parts of Europe. It is hardly neceſſary to ſay that this caſe is the execution of the king. No ſovereign ever loved his ſubjects more, and conſequently none ever had a greater claim to love on the part of his ſubjects, than Lewis the XVIth. Born to arbitrary power, he never uſed it to oppreſs his people: on the contrary, from the commencement of his reign, his whole ſtudy ſeemed to be to make them happy, and to relieve their wants. In the year 1786, on his ſpontaneous motion, he called together an aſſembly of the principal men of his kingdom, for the purpoſe of making the taxes leſs burthenſome to his people. By what means the good intentions of the king were fruſtrated, we ſhall not now enquire: no blame however is ſuppoſed to attach to the king on that account,

even by his greateſt enemies. In the year 1789, the ſtates-general were aſſembled. In all the conteſts between the nobility, clergy, and third eſtate, the king ſeemed only deſirous to preſerve peace between the contending parties; but when he found that endleſs animoſities prevailed, and believed that by his confinement at Paris, he was prevented from knowing the real wiſhes of his people, he reſolved on the journey to Malmedy, of which ſo much has been ſaid. This it is true, is the king's own account of that unfortunate journey, and in this he conſtantly perſiſted even to the laſt. It is unneceſſary here to enter into any defence of the king's conduct on this occaſion, becauſe, even ſuppoſing he was then guilty of any fault, it was done away by the reſolution of the national aſſembly, to bury in eternal oblivion all paſt tranſactions. Some time after the king's return, the conſtitution was preſented to, and accepted by him. We have now therefore to enquire, whether ſubſequent to that acceptance, he violated any part of the conſtitution; and if he did, by what article of it the puniſhment he ſuffered could legally be inflicted on him. The chief charges againſt the king were, " That he refuſed his aſſent to a decree of the aſſembly, for forming an encampment under the walls of Paris; that he employed in his ſervice nonjuring prieſts, and other perſons of counter-revolutionary principles; that he fired on the people the 10th of Auguſt; and that he held a criminal correſpondence with emigrants and other perſons

perſons in arms againſt the French nation." I do not ſay that theſe were given in as ſo many diſtinct charges, but theſe ſeem the moſt material accuſations as far as it is poſſible to collect them, from the maſs of nonſenſe which has been publiſhed on this ſubject. The king's refuſal of his aſſent to the decree for aſſembling an army near Paris, cannot be conſidered as criminal; for by the conſtitution he had a right to refuſe his ſanction to that, or any other reſolution of the aſſembly. It would be nonſenſe to ſay that any one can have a right which he may not exerciſe. The conſtitution of 1789, ſpeaks the plaineſt and cleareſt language. It gives the king a ſuſpenſive negative on every reſolution of the national aſſembly. No equivocation can do away an article ſo clearly and explicitly worded. The exerciſe of this right therefore, ſo evidently granted by the conſtitution, could not legally be refuſed. The king was accuſed of employing nonjuring prieſts and other perſons of counter-revolutionary principles: the facts however were never proved. But ſuppoſe they were; I have then a right to aſk, by what article of the conſtitution this conduct of the king can be conſidered as criminal. All ſects of religion were to be tolerated; every ſubject might chuſe that which he approved: and ſhall it be ſaid that the king alone, the executive magiſtrate, the firſt public functionary, ſhall be refuſed that liberty which is allowed to the meaneſt of thoſe who once were his ſubjects? But he employed perſons of counter-revolutionary principles.

The

The term is ſo vague and undefined, that it is almoſt impoſſible to ſay what it means. Since the revolution, thoſe who have oppoſed the then ruling faction, have conſtantly been ſtigmatized under the name of counter-revolutioniſts. They have been ſo numerous, and have held opinions ſo widely differing from each other, that it would be difficult, if not impoſſible, to define the bounds which divide the friends from the enemies of the French republic. The next charge againſt the king is, that he fired on the people the 10th of Auguſt. To examine this charge with accuracy, it will be neceſſary to go back a little further than the preciſe period to which it refers. On the 22d of June, an immenſe mob ſurrounded the palace for the *avowed purpoſe* of obliging the king to ſanction all the decrees of the national aſſembly. After ſome delay, this mob was received by the king, whom they inſulted as well as the queen, in the groſſeſt terms. Repeated complaints were made to the national aſſembly of this inſult; but though the leaders were well known, not one of them was puniſhed. By the conſtitution however, every man's houſe is ſaid to be ſacred; and yet a lawleſs banditti offered the groſſeſt inſults to the firſt public functionary in his own reſidence, with perfect impunity. Is it then to be contended that a great king, or a chief magiſtrate, (give him whichever title you will) is to be the only perſon in the ſtate who is to be placed out of the protection of the laws? From the 22d of June to the 10th of Auguſt,

Auguſt, the national aſſembly received repeated advices both from the department of Paris, and from other unqueſtionable authority, that a plot was in agitation againſt the king; but the aſſembly took no other notice of the information they received, than to declare that they relied with perfect confidence in the *goodneſs of the people.* Previous to the 10th of Auguſt however, Marſeilles had ſent forth ſome hundreds of the moſt determined villains, who ſoon marched to Paris for the purpoſe of uniting with the *good* people of that city, in the extermination of royalty. On the night between the 9th and 10th, the attack began; and will it be believed by any perſon of common ſenſe, or aſſerted by any perſon of *common* aſſurance, that the king, ſurrounded by ſix hundred guards only, could have ſerious intentions of attacking the city of Paris, containing ſix hundred thouſand inhabitants? So far as to the probability of the charge. But let us examine the circumſtances which occurred on the day of the attack, which will ſufficiently ſhew how entirely void of blame the king was, with reſpect to the terrible butchery which took place. When he had reaſon to dread an attempt would be made by the mob on his palace, he ſent for the *virtuous* Petion. If the monarch had conceived any thoughts of a maſſacre of the people, he ſurely would not have ſent for a perſon who might afterwards have appeared as a witneſs againſt him, and whom he had no reaſon to ſuppoſe was prejudiced in his favour. The national

tional aſſembly however, determined to deprive the king of every reſource, and ordered Petion to repair to the aſſembly. If the king had been even deſirous of reſiſting the attack, he would have detained a man then dear to the mob; he would have detained him as a hoſtage, to prevent violence being offered to himſelf and family. But he did no ſuch thing. Conſcious of his own innocence, he permitted Petion to quit the palace; and when he found the mob determined to force their way into it, he himſelf repaired to the national aſſembly for protection. After the king's departure from the palace, the firing began on both ſides. Which party began it is not compleatly aſcertained, nor is it indeed very material. The deſigns of the Pariſian mob, united with the banditti of Marſeilles, were clear. They had arms in their hands; they had even cannon in their poſſeſſion; and they came for the avowed purpoſe of forcing the king to change his meaſures; and moſt probably with a real intention to murder him if he refuſed. The guards therefore were juſtified in firing, when they ſaw the palace ſurrounded by an armed multitude, unauthorized by any of the conſtituted authorities. It is however moſt probable, that the mob began the attack; for it is not likely, that ſo ſmall a body as the Swiſs guards, would venture to exaſperate ſuch an immenſe multitude. But whichever party began the attack, it never has been proved, or even attempted to be proved, that the king gave any hoſtile orders to thoſe who were

entruſted

entruſted with the protection of his palace. It is clear that he was attacked on the 22d of June, and that from that day to the 10th of Auguſt, repeated intelligence was given to the national aſſembly, of the hoſtile intentions of the mob. When the king found all other means of defence were likely to fail, he ſent for Petion; and when that *virtuous* man left him, he fled to the aſſembly for protection. He came, he ſaid, to prevent a great crime. He fled from men who would probably have murdered him in the heat of their reſentment, to thoſe who actually put him to death ſix months afterwards in cold blood. Will any one venture to aſſert after this plain narrative of facts, that the king was guilty of any crime in the tranſactions of the 10th of Auguſt? He was not of a cruel diſpoſition, but merciful in the extreme: beſides his own intereſt was concerned in keeping things as quiet as poſſible. He was too well acquainted with the bloody ferocity of a Pariſian mob, to have any deſire to attack them. It does not even appear that he had formed any plan for his eſcape, or that he had aſſembled any conſiderable number of friends for his protection. This weak charge therefore appears to be without any foundation. But it is ſaid that the king correſponded with emigrants, and other enemies of the ſtate. This charge is ſaid to be proved from papers found in the palace. Papers pretended to be found under ſuch ſuſpicious circumſtances as thoſe we now ſpeak of, ought to be ſtrictly ſcrutinized before we

can allow them to have any validity. We muſt recollect that previous to this pretended diſcovery the king was impriſoned. No one was preſent on his part, at the time the papers were examined. It is not improbable that thoſe who pretended to find them, had placed them there. This is no new trick. It was practiſed (unſucceſsfully indeed) againſt the Biſhop of Rocheſter, about an hundred years ſince. But it is not neceſſary to rely on this ſuſpicion, however probable. The contents of the papers were never perfectly known. Garbled extracts from them were occaſionally and myſteriouſly laid before the national aſſembly. Would it be fair to make the king anſwerable for every idle, every wicked ſcheme if you will, to reſtore him to the power he had loſt? It does not appear that he ever encouraged any of thoſe ſchemes, or that he had formed anything like a plan for carrying them into effect. Not the ſlighteſt ſcrap of paper in the king's hand-writing, has ever been produced, tending to ſhew that he wiſhed to alter the conſtitution. Let us compare his caſe with that of Algernoon Sydney, ſo much and ſo juſtly reprobated by all friends of liberty. In the cabinet of the latter was found a paper, containing a ſuppoſed plan for the ſubverſion of our conſtitution: his ideas in ſhort of a perfect conſtitution. This paper was in *his own hand-writing*. It was conſidered by the iniquitous judge who tried him, as equal to one oral witneſs. But it was contended at the time unſucceſsfully, and has been frequently urged triumphantly

in

in later and better times, that there was no proof of any intention to carry his fanciful ideas into execution. It was ſaid that a man had a right to form any ſentiments on government in his cloſet, to commit them to paper for his own inſtruction, or amuſement; and that he could then only deſerve puniſhment when he endeavoured to diſturb the government of the country in which he lived. The inhuman Jefferys overruled this plea. But hard as was the caſe of Algernoon Sydney, what is the hardſhip of it, when compared with that of Lewis the XVIth. The ſentiments contained in Sydney's paper were allowed to be his own, and the paper was in his hand-writing; whereas the papers found, or pretended to be found in the king's cabinet, were written by others, and addreſſed to him. Sydney therefore ſuffered (unjuſtly indeed) for ſentiments which he himſelf avowed: the king for thoſe of other men; and which he, both during his impriſonment, and with his dying breath, utterly diſclaimed. If we compare the conduct of the king with that of the aſſembly, we ſhall ſee which of them ſeemed moſt deſirous to preſerve the conſtitution. By that conſtitution, the king had a negative on all acts of the aſſembly. By the exerciſe of it therefore, he not only did nothing illegal, but he would have failed in that duty which he owed both to himſelf and the people, if he had not uſed it for the purpoſe of preventing meaſures, which he conſidered as ruinous and unwiſe. But how did the aſſembly act a little

previous to the 10th of Auguſt? They broke the king's guard, granted to him by the conſtitution, on the moſt frivolous pretences. They objected to the continuance of the Swiſs at Paris for reaſons equally abſurd; and they permitted the Marſeilles ruffians to come to the metropolis, with the almoſt avowed purpoſe of deſtroying the monarchy, which they had juſt ſworn to defend. They ſuffered the king to be inſulted in his own palace, without puniſhing, and almoſt without noticing the authors of the inſult: and when the department of Paris had, by the right veſted in them by the conſtitution, declared the municipality of that city had forfeited the places they held, the national aſſembly ſtepped out of their way to violate the conſtitution, by an extra-judicial reſtoral of the municipality to thoſe truſts, which, by their miſconduct, they had forfeited. Let any impartial man now judge, which had the greateſt ſhare in deſtroying the conſtitution of 1789; the king, or the aſſembly. But let us even allow for an inſtant, that the king was guilty of all the crimes with which he was charged; and then let us examine, whether the puniſhment inflicted on him was warranted by the law. We muſt always recollect, that by the conſtitution, no man can be puniſhed unleſs he has violated ſome *known law*; and alſo, that every one has a right to be tried immediately after he has been accuſed of a crime. Both theſe fundamental principles were forgotten in the proceedings againſt Lewis the XVIth. He was

ſurely

ſurely entitled to the ſame privileges as every other free citizen in France had a right to claim: and yet this miſerable monarch was confined in priſon five months before he was tried. We will not trouble our readers with any detail of that mockery, which the aſſembly was pleaſed to call his trial; we will go therefore at once to the ſentence which followed it. And here again let us open the book of the conſtitution, and enquire under what pretence the king could be ſaid to have forfeited his life. The conſtitution generally recognized that excellent maxim of our law, that the king could do no wrong, but that his miniſters muſt be anſwerable for their mal-adminiſtration. The conſtitution has indeed ſuppoſed, in contradiction to what has been juſt ſtated, that the king may be puniſhed, if he does certain acts declared criminal by the laws. It is provided, that even if the king ſhould quit France, and again attempt to enter that country with an *armed force*, for the purpoſe of conqueſt, he ſhall loſe his crown. In the charge againſt the king, he was *ſuppoſed* to have correſponded with emigrants, and other enemies of France, for the purpoſe of ſubjugating that country; and for this *ſuppoſed* crime he was brought to the block. But the conſtitution had provided, that even if he had actually done that which he was only *ſuſpected* of an inclination to do, he ſhould be deprived of the ſovereignty. The national aſſembly was not ſatisfied with treating the unfortunate king with the groſſeſt cruelty and in-

juſtice,

juſtice, but determined to act alſo with characteriſtic abſurdity, by firſt declaring he had forfeited the crown for his crimes, and *afterwards* by condemning him to death. But if the forfeiture of the crown was the puniſhment pointed out by the law for his crime, he could not be puniſhed again till he had committed a new fault. From the moment he ceaſed to be king, he either became a free citizen of the French republic; or he had a right to become a member of any other ſtate, whoſe conſtitution he preferred. We may venture to ſay on the whole review of this tranſaction, that there never was ſuch a medley of revolting cruelty, ſhameful injuſtice, and diſguſting abſurdity, as was exhibited in the murder of Lewis the XVIth.

LETTER IV.

HAVING now nearly cloſed my obſervations on the theory and practice of the French government, I ſhall not detain my readers by any conjectures reſpecting the probable duration of the conſtitution of 1792; I beg them however to recollect, that the conſtitution of 1789, ſo much praiſed by it's admirers in this country a ſhort time ſince, and which was conſidered by the French themſelves as the *perfection of human wiſdom*, is now abandoned by all parties as a wild attempt to unite monarchy and democracy. The various changes which daily take place in the government of France, paſs with ſuch rapidity before the eye, that it is almoſt impoſſible to form any adequate notion of them. Indeed, ſo fleeting and uncertain are the politics of that unhappy country, that in the moment when a man may be writing in London ſtrictures on the French conſtitution, neither the conſtitution itſelf, or the framers of it, may be in exiſtence at Paris. The rapidity with which the great men in France have ſtepped from the tribune to the block, reminds me of the burleſque tragedy of Tom Thumb, where all that the hero of the piece has to boaſt of, is that he dies the laſt. Le Rochefoucault, the Lametts, La Fayette, Briſſot, the virtuous Petion, Danton, and Robeſpiere,

piere, have all enjoyed power and popularity for a time; but moſt of them have met with a deſerved death at laſt. They have fallen in general unlamented. They have fallen by thoſe arts which raiſed them to power and authority.

" Nec lex eſt juſtior ulla
" Quam necis artifices, arte perire ſuâ."

But their names will never be forgotten. The greater part of them will be remembered as bad men by our lateſt poſterity. They are indeed damned to everlaſting fame. The admirers of French principles muſt either confeſs, that the government in France has been badly conducted in ſome periods ſince the revolution; or they muſt give up the national aſſembly of the preſent day. How loud were all the democratical writers, and ſome popular ſpeakers in this country, in the praiſes of the Lametts, La Fayette, Briſſot, and Petion: yet theſe men have been condemned by the national aſſembly, and ſome of them have ſuffered as traitors to their country. The admirers of the French ſyſtem however, ſeem to allow to the national aſſembly a kind of infallibility, claimed in the dark ages by the pretended ſucceſſors of St. Peter: but they will hardly claim for themſelves any portion of it. They are juſt as likely hereafter to condemn Billaud de Varennes, Collot d'Herbois, Le Cointre, the trimmer Barrere, and the butcher Le Gendre, as they once were to ſtigmatize thoſe who have already met their fate. Obſerve the torrents of abuſe which the different parties

in

in the national aſſembly ~~put~~ pour out againſt each other. Allowing ſomething to the prejudices of party, we may reaſonably ſuppoſe, that there is ſome truth in their mutual recriminations. Can we then conceive that any reliance can be placed in men of ſuch abandoned characters? Can we expect that ſuch men will improve the morals, or enſure the happineſs of the people? In the ſacred writings we are told, that the tree is to be known by it's fruit: if ſo, what are we to think of the tree of liberty, which has produced murder and robbery; and public and private denunciations, made by the worſt againſt many of the beſt men in France? Our reformers in this country tell us, that our anceſtors in all ages have been either unfortunately or wilfully blind; that this is the age of reaſon and common ſenſe; and that all the pretended knowledge of former times, was uſeleſs at beſt, if not dangerous. If knowledge conſiſts in preſumption, and wiſdom in petulant aſſurance, certainly no age was ever ſo wiſe and knowing, as that in which we live. We muſt probably reckon amongſt the follies of our anceſtors, that they were modeſt, doubtful of their own opinions, and conſcious of the fallibility of human wiſdom. From theſe faults, our modern reformers are doubtleſs entirely free. If indeed we could venture to ſuppoſe there was any wiſdom in thoſe *dark ages*, when Greece produced many of her greateſt men, we might venture to hint that the moſt enlightened men of thoſe *ignorant* times, called themſelves philoſophers or lovers

of wiſdom, in contradiſtinction to thoſe preſumptuous and ignorant perſons who preceded them, under the appellation of ſophiſts. But no reliance is to be placed on the ſtrange *folly* of thoſe remote times. The world has been in a dream it ſeems, for many thouſand years. Our anceſtors were fools and dotards. We are now awake; and *reaſon* and *common ſenſe* have at laſt deigned to viſit the earth. We may hope however, that the modern pretenders to excluſive wiſdom, will inform us when this blaze of light firſt broke out, and from what date we are to commence the *age of reaſon*. In former times it was ſuppoſed that knowledge was progreſſive; that it was to be obtained only by pains and ſtudy: but now it ſeems we have diſcovered that it comes at once. Philoſophers have formerly ridiculed enthuſiaſtic pretenders to inſpiration; but now we are told, that the light of reaſon ſeizes in a moment on a poor mechanic, in the ſame manner as the light of inſpiration (*the new light* it was then called) was ſuppoſed to enter into the ſectaries of the laſt age. But our reformers are a little inconſiſtent in their accounts of the new philoſophy. They ſometimes ſay, that plain common ſenſe is all that is neceſſary for the attainment of it; and yet on other occaſions they tell us, that the perſons who reaſon againſt their favourite ſyſtem, do not underſtand it; though many of them are known to be men of the beſt natural talents, and of the greateſt acquired knowledge. But theſe gentlemen find it much eaſier to aſſert than to prove.

prove. They ſatisfy themſelves with general aſſertions of the ſovereignty of the people; of the propriety of liberty and equality; of the certainty of twenty millions of people being in the right. To theſe they add ſome threadbare declamations, reſpecting the grievances which they ſay the people ſuffer under every government, except that which they admire. The terms which they are fond of uſing, few amongſt them underſtand; but finding they are unable to deceive their fellow ſubjects in this country, by their falſe aſſertions and unintelligible jargon, our reformers would willingly have recourſe (if they dared) not to a ſounder, but to a more effectual argument. To that by which the French have ſo ſucceſsfully ſpread their dangerous tenets; that is, to the ſword. For theſe men are exactly like thoſe of the laſt age, deſcribed by our inimitable Butler. They are

> " Such as do build their faith upon
> " The holy texts of *pike* and gun;
> " Decide all controverſy by,
> " Infallible artillery:
> " Think *fire*, and *ſword*, and *deſolation*,
> " A thorough, godly *reformation*."

But the good ſenſe of the Britiſh nation has diſappointed their dangerous deſigns. Their aſſertions can only be anſwered by aſſertions; their arguments (whenever they will condeſcend to produce any) will be effectually anſwered; and their open violence, if they have recourſe to it, will doubtleſs be reſiſted by a free and loyal people; zealous in defence of their

their religion; attached to their king; and ſenſible of the bleſſings they enjoy under the beſt conſtitution in the world.

"An Engliſhman."